

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 300 - Personnel Management	
	Directive: 310.08 - Secondary Employment	
Authorized by: Chief Joe Binns		Effective Date: June 15, 2021
CALEA Standards: 22.2.4 and 22.2.5 (6th Edition)		

310.8.1 – Purpose

The purpose of this directive is to set forth guidelines to govern secondary employment by employees of the Garner Police Department.

310.8.2 – Policy

It is the policy of the Garner Police Department to provide guidelines for employees regarding all types of approved outside employment and to establish procedures to maintain accountability for police employees, the Department, and secondary employers.

310.8.3 – Definitions

- A. Extra-Duty Employment – Any secondary employment that is conditioned on the actual or potential use of law enforcement powers by sworn employees of the Garner Police Department.
- B. Job Coordinator – A Department employee (approved by the Secondary Employment Coordinator) with responsibility for serving as liaison for an extra-duty assignment. Responsibilities of the Job Coordinator include the scheduling of officers and being primary contact for any concerns related to the extra-duty assignment.
- C. Memorandum of Understanding (M.O.U.) – A signed agreement between the Department and a private employer (business or citizen) that outlines the financial and operational obligations of both parties.
- D. Off-Duty Employment – Any secondary employment that will not require the use, or the potential use, of law enforcement powers by employees of the Garner Police Department.
- E. Secondary Employment – The provision of a service, whether or not in exchange for a fee or other service, by an off-duty employee of the Department outside their assigned job duties. Secondary employment does not include volunteer charity work.
- F. Secondary Employment Coordinator – A supervisory employee appointed by the Chief of Police with responsibility for screening secondary employment requests for compliance with this directive, coordinating secondary employment payroll, and determining which secondary employment jobs require a Job Coordinator.

310.8.4 – Right of Management

The Chief of Police, acting personally or through his designee, reserves the right to approve, deny, revoke, or add restrictions at any time to any request for secondary employment based upon available information at the time and the totality of the circumstances.

310.8.5 – General Provisions for All Secondary Employment

The following guidelines apply to all employees working or applying to work any secondary employment:

- A. Under no circumstances will an employee engage in secondary employment in which the employee is on-duty for the Police Department and working for a secondary employer at the same time.
- B. Employees may not work any secondary employment less than eight (8) hours prior to starting their tour of duty with the Garner Police Department without approval from their supervisor.
- C. Any employee engaged in secondary employment is subject to call-back to duty in the case of an emergency. The employee engaged in secondary employment will be expected to leave the secondary employment in an emergency situation if requested to do so.

310.8.6 – Method of Payment

- A. Extra-Duty: Employees working extra-duty employment will be paid through the Department's payroll system. Officers shall not accept any payment from an extra-duty employer. The Town of Garner Finance Department will invoice the extra-duty employer for any hours worked by Department employees.
- B. Off-Duty: Employees working off-duty employment are expected to make arrangements for payment with the off-duty employer. Any approved off-duty employment is an individual arrangement between the employee and the off-duty employer and does not involve the Department or the Town.

310.8.7 - Reporting of Income

It is the responsibility of the employee engaged in secondary employment to report all income, regardless of amount, as required by the state and federal government for income tax purposes. In general, income from secondary employment means all income derived from whatever source and includes compensation for services rendered.

310.8.8 - Worker's Compensation

The providers of worker's compensation insurance for the Town of Garner may not pay benefits to an injured employee unless the injury received during secondary employment arises out of and in the scope of a law enforcement action.

310.8.9 - Civil Liability

The providers of professional liability insurance for the Town of Garner may not cover employees for incidents not directly involving an arrest or other law enforcement function unique to law enforcement. An officer engaged in extra-duty employment who is making an arrest or performing other functions unique to law enforcement will have the same protection as an on-duty officer.

310.8.10 – Extra-Duty Employer Approval Process

All Extra-duty Employment must be approved by the department through the following process;

- A. Any business or individual seeking to hire police officers must submit a request through the Secondary Employment Coordinator.
- B. Upon approval the Secondary Employment Coordinator will provide the requesting party a copy of a [Memorandum of Understanding \(GPD form 310.8-B\)](#). The Memorandum of Understanding provides an explanation of the extra-duty detail, general guidelines, and fees associated with the employment. It

must be signed by the Secondary Employment Coordinator and a representative of the Secondary Employer.

- C. All extra-duty employment MOUs serve as written documentation of agency approval and are maintained by the Secondary Employment Coordinator.

310.8.11 – General Provisions for Extra-Duty Employment

- A. Before an employee can engage in extra-duty employment, there must be a [Memorandum of Understanding \(GPD form 310.8-B\)](#) with the secondary employer on file with the Department.
- B. All sworn employees are eligible to work extra-duty employment so long as they are not subject to any of the restrictions outlined in 310.8.12.
- C. Sworn employees engaged in extra-duty employment will have the same powers and authority as other law enforcement officers.
- D. Officers working extra-duty employment are required to:
 - 1. Abide by all policies and procedures of the Department;
 - 2. Work in either a class A , B, or C uniform. Requests to perform extra-duty employment in plain clothes must be approved by the Chief of Police, the Administration Captain, or the Operations Captain before any work is performed;
 - 3. Notify the on-duty patrol supervisor of their location and sign on to CAD in an off-duty capacity either by MCT or by the radio directly to RWECC;
 - 4. Possess and monitor their portable radio;
 - 5. Document the date, time, and hours worked at their extra-duty employer. This information will be reported on time sheets that will be submitted every two weeks along with the employee's regular duty time sheet; and
 - 6. Investigate, document, and/or arrest for any misdemeanor incidents that can be addressed without requiring the extra-duty officer to leave the extra-duty employment job site. On-duty personnel will respond to any misdemeanor offenses that cannot be handled on-site and to any felony offenses occurring at an extra-duty employment job site. An on-duty supervisor may elect to have an on-duty officer investigate unusual misdemeanor incidents.
- E. Scheduling: Scheduling is the responsibility of the Secondary Employment Coordinator or Job Coordinator. All requests for extra-duty assignments will be staffed, when possible, on a first-come, first-serve basis determined by the time stamp embedded in the e-mail request. The secondary employment coordinator may elect to give priority to any extra-duty assignment(s) that has the potential to impact public safety if not staffed.
- F. Supervision: In instances when more than four officers are hired by a secondary employer to work extra-duty at the same time, one of the employed officers will be a supervisor. For large-scale events, it will be at the discretion of the Secondary Employment Coordinator to determine an appropriate number of extra-duty officers and/or supervisors required to staff the event.
- G. Attendance/Absence: Officers who have volunteered for and wish to be replaced for an extra-duty assignment shall, absent any other instructions, contact the Secondary Employment Coordinator or, if applicable, the Job Coordinator.

1. The responsibility for securing a replacement officer and advising that officer of the assignment details rests with the originally assigned officer.
 2. If a replacement cannot be found, the originally assigned officer shall report to the extra-duty assignment unless directed otherwise by competent supervisory authority. If the originally assigned officer cannot report to the secondary employment and is unable to find a replacement, it is his/her responsibility to notify the secondary employer and the Secondary Employment Coordinator.
 3. Officers who fail to appear for scheduled extra-duty employment may be restricted from working other extra-duty employment and may be subject to Department discipline.
- H. Department-owned Vehicles: The use of Department-owned take-home vehicles is required when working extra-duty employment so that extra-duty officers are able to respond to emergencies that may occur while they are working extra-duty employment.

310.8.12 – Limitations on Extra-Duty Employment

- A. The following are prohibited from engaging in extra-duty employment:
1. Sworn employees who are on-call and being compensated by the Town of Garner;
 2. Sworn employees who have not completed the Field Training and Evaluation Program;
 3. Sworn employees who are on medical or sick leave, light duty/temporary disability assignments; and
 4. Sworn employees who are:
 - a. On emergency relief from duty;
 - b. Suspended from duty; or
 - c. On administrative leave.
- B. An employee may be prohibited from working any secondary employment due to any disciplinary action occurring as a result of secondary and/or regular duty employment.
- C. Authorization for a Department employee to engage in extra-duty employment may be revoked when it is determined that such outside employment is not in the best interests of the employee or the Department. Examples of such instances include (but are not limited to):
1. The employee being unavailable during an emergency;
 2. The employee being physically or mentally exhausted to the point that their performance may be affected;
 3. The employment bringing into disrepute or impairing the operation or efficiency of the Department;
 4. The employment conflicting with the employee's present duties; or
 5. The employee failing to report as scheduled, and/or failing to make arrangements for coverage during their absence.
- D. No employee will directly or indirectly solicit any extra-duty employment.

310.8.13 – General Provisions for Off-Duty Employment

- A. No employee shall work any off-duty employment without the knowledge and approval of the Chief of Police or his designee.
- B. Employees must seek and obtain individual approval for each off-duty employment opportunity they wish to engage in by electronically submitting a [Request for Secondary Employment \(GPD form 310.8-A\)](#) through the chain-of-command to the Chief of Police prior to working any off-duty employment.
- C. If time does not permit the approval of off-duty employment as outlined above, the Chief of Police, the Administration Captain, or the Operations Captain may verbally approve off-duty employment pursuant to the provisions of this directive. Regardless of whether or not the verbal request for off-duty employment is approved, employees must still submit a *Request for Secondary Employment* as soon as practical.
- D. Approved off-duty employment requests will expire on the last day of December of each year. Employees may not engage in off-duty employment until a new request has been approved.
- E. Employees may not engage in off-duty employment that involves any of the following;
 - 1. The use, or the potential use, of law enforcement powers by an employee of the police department.
 - 2. Employment that presents a potential conflict of interest between a sworn employee and his/her duties as a police officer. Examples of prohibited off-duty employment include (but are not limited to):
 - a. Serving as a process server, re-possessor, or bill collector, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes;
 - b. Conducting personnel investigations for the private sector or any employment which might require the employee to have access to police information, files, records or services as a condition of the secondary employment;
 - c. Working in the police uniform in the performance of tasks other than that of a law enforcement nature;
 - d. Work which assists in case preparation using materials, equipment, supplies or computerized software owned by the Town of Garner for the prosecution or defense in any civil or criminal action or proceeding;
 - e. Working for a business or labor group that is on strike or engaged in public demonstrations or pickets; or
 - f. Working in occupations that are regulated by, or must be licensed by, the Garner Police Department.
 - 3. Employment that constitutes a threat to the status or dignity of law enforcement as a professional occupation. Examples of prohibited employment that presents a threat to the status or dignity of the law enforcement profession include (but are not limited to):
 - a. Working at establishments which, as their principal business, sell pornographic books, magazines, sexual devices, or videos;

- b. Working at establishments that otherwise provide entertainment or services of a sexual nature; or
- c. Any employment that involves the sale, distribution, manufacture or transport of alcoholic beverages as the principal business.